

POLICY REVIEW COMMITTEE MEETING
Suffolk City Hall
442 W. Washington Street, Conference Room #3
Suffolk, VA 23434
MINUTES
March 22, 2023
4:00 PM

Present:

Members

- ✓ Dr. Dawn Brittingham, ***School Board Member***
- ✓ Dr. Judith Brooks-Buck, ***School Board Member***
- ✓ Mrs. Phyllis Byrum, ***School Board Member***

Participants

- ✓ Dr. John B. Gordon III, ***School Superintendent***
- ✓ Wendell M. Waller, ***School Board Attorney***
- ✓ Renée Davenport, ***Administrative Assistant***

Attendees

- ✓ Kimberly Slingluff, ***School Board Member***
- ✓ Dr. Deborah Wahlstrom
- ✓ Ms. Margie Irwin

➤ **Meeting called to order.**

- Dr. Judith Brooks-Buck called the meeting to order, welcomed everyone and Dr. Dawn Brittingham as a new member. Dr. Buck reviewed the process of the meeting including going over the agenda. She expressed that Attorney Waller is here to go over any of the policies that we have questions about, explaining how the changes in the policies are shown. Also, Dr. Gordon is present to answer questions as well.

➤ **Review of approval of minutes from 12-8-22 & 12-14-22 meetings.**

- Dr. Brooks-Buck asked Mrs. Byrum if she had any questions/additions about the minutes. Mrs. Byrum did not. The minutes were approved.

➤ **Unfinished Business**

- There is no unfinished business. Dr. Buck commented that the committee tried to finish all the business of the last committee and we voted on all the policies in the open Board meeting since they were unsure if we would be in the same place with regards to the policy committee. We tried to finish all the policies so the new committee could move

on.

➤ **New Business**

- **POLICY 1-4.1. Student Involvement Encouraged.**

Attorney Waller stated that this policy recognizes the importance of student involvement as it relates to policies that impact them directly. When practicable, this policy revision requires that student views be sought and considered by the superintendent and School Board.

Dr. Brooks-Buck reviewed the changes to the policy.

Dr. Brittingham asked what drove the changes to this policy. Attorney Waller replied that this is a recommended change from the Virginia School Board Association (VSBA).

Mrs. Byrum asked Dr. Gordon to elaborate on how he obtains student views. Dr. Gordon replied that one way we achieve student views is in our surveys. He also has the Superintendent's advisory council that meets quarterly and they usually are the last people that I talk to before I present new changes and programs to the Board. Each one of our principals have their own advisory groups and we have the Student Council at the elementary, middle and high school levels. The principals have their own round tables and they pass those ideas to the rest of the directors and to the cabinet.

Dr. Brittingham asked Dr. Gordon how the students are chosen for his council and for the rest of the councils?

Dr. Gordon replied that for his council, the student would have to be in good academic standing and behavioral standing. For the schools, they have their own criteria but I think it's pretty similar and the student government is always by elections. There being no further questions, it was recommended that the policy will be moved on to the Board for the first reading.

- **POLICY 1-7.5:1 Posting of Bill of Rights.**

Attorney Waller stated that this law was originally passed in 2003 and then the school board policy was initially adopted in 2004 requiring the posting of The Bill of Rights in each school. This has now been accomplished. The Bill of Rights are posted in each school; therefore, language in subsection B is no longer needed, which allowed the School Board to accept contributions in cash or in kind for implementation of this policy. The deletion of subsection B is being recommended. There being no further questions, it was recommended that the policy will be moved on to the Board for the first reading.

- **POLICY 2-3.3 Closed meetings; etc.**

Dr. Brooks-Buck reviewed the changes in the policy. Attorney Waller explained that this is the School Board's policy regarding closed meetings under the Virginia Freedom of Information Act. This policy revision adds language that any committee of the School Board can hold a closed meeting but only for those purposes specifically provided for under the Virginia Freedom of Information Act. Also, any action on matters discussed in a closed meeting must take place in an open meeting for which public notice has been given.

Dr. Brittingham asked if this includes the Policy Review Committee? Attorney Waller replied that it applies to all standing committees of the school board including citizen

advisory committees.

Dr. Brittingham asked if the committees were able to do this before? Attorney Waller replied that they could have done it because under the State code, it allows for it. So now we are bringing the Board policy in line with the State code.

Dr. Brittingham commented that those committees are now regulated in the same form or fashion as the school board. Attorney Waller confirmed. There being no further questions, it was recommended that the policy will be moved on to the Board for the first reading.

- **POLICY 2-4.2 Meeting participation by electronic communication; etc.**

Dr. Brooks-Buck reviewed the changes in the policy. Attorney Waller stated that this policy is also to bring the board policy in line with the Virginia Freedom of Information Act. It includes a definition for “all virtual public meetings” and those limited situations where a public body can have an all virtual meeting. It also includes language that allows a Board Member to participate in a public meeting by electronic means when a family member has a medical condition that requires the School Board Member to provide care and prevents the Board Member’s attendance at the public meeting. There must be a vote of the membership to approve the request for electronic participation at the meeting and it must be recorded in the meeting minutes. Finally, there is added language that a Board Member may participate in a public meeting by electronic means when the Board Member’s principal residence is more than 60 miles from the meeting location.

Dr. Gordon asked Mr. Waller if training of the School Board or School Board retreats also fall under the same guidelines?

Mr. Waller replied that a training would not fall under these guidelines if there is not the transaction of public business. If there is the transaction of public business, then it falls under the guidelines of a public meeting, which means that notice would have to be given and the public would be given the right to attend.

Dr. Gordon asked if there are no action items coming out of a retreat then that wouldn’t be considered as a meeting, correct?

Attorney Waller replied that we have to be careful how we use the word “retreat” because you can have a retreat where there is going to be the transaction of public business is discussed. He would much rather use the word “training”. If you have a training, then more than likely it will not involve the transaction of public business. For example, if you are having a “training” on how best to interact with each other or how best to get a long, or how best to share thoughts and opinions in a way that others may not get offended by the sharing of information, that would not be a public meeting for which public notice and public right to attend would be attached.

Dr. Brittingham asked that if during that meeting public business is discussed, would that be a FOIA violation? Attorney Waller replied that it should not go that way, someone should be there to stop it.

Mrs. Byrum shared that if the agenda is followed that wouldn’t probably happen. Attorney Waller continued that whoever is conducting the training would understand the parameters and guard rails would be put in place to prevent this from occurring.

Dr. Brittingham asked if we have safeguard for that? Attorney Waller replied that he hasn’t sat in on a training so he not aware. However, when the school board holds a closed meeting, he serves as the guardrail that keeps it from going into an area that has not been authorized as part of that closed meeting. There being no further questions, it was recommended that the policy will be moved on to the Board for the

first reading.

- **POLICY 2-7.1 Minutes of meetings; etc.**

Dr. Brooks-Buck relayed the changes in the policy. Minutes of open meetings of the School Board are to be posted on the school division's website within seven working days after final approval. If any committee of the School Board includes a majority of the School Board, minutes of those meetings must also be posted seven working days after their final approval. There being no further questions, it was recommended that the policy will be moved on to the Board for the first reading.

- **POLICY 2-9.2 Definitions (Conflict of Interests)**

Dr. Brooks-Buck reviewed the changes in the policy. Attorney Waller explained that what this policy does is that it carves out another exception to a "gift" under the Conflict of Interest Act. A person could attend a reception or similar function where food and beverages are consumed while standing or walking, and this would not be considered a gift. Also, a member of the School Board could get tickets or registration or admission fees to events that are provided by the School Board to Board Members for the purpose of performing official duties related to their public service and that would not be considered a "gift". The language that is provided for in section nine (9) is another exclusion for what is meant by a "gift".

Dr. Buck commented that we can talk more about it since we have a new board member, about what gifts can be accepted and what must we reported so we will not get in trouble for accepting gifts because people will give you things. Attorney Waller replied that there is another policy we will be discussing next that talks about what you cannot accept. We will discuss further in the next policy. There being no further questions, it was recommended that the policy will be moved on to the Board for the first reading.

- **POLICY 2-9.4 General Rules (Conflict of Interests)**

Dr. Brooks-Buck reviewed the changes to this policy. Attorney Waller stated that there are several areas list here of which a board member cannot except certain gifts. They are not allowed to: (1) solicit or accept funds for performing official duties; (2) use confidential information for their own economic benefit; (3) accept money, loan, gift or favor in the performance of official duties; (4) accept any business or professional opportunity that could influence the Board Member's or employee's conduct in performing official duties; (5) accept gifts so frequently that it raises the appearance of impropriety. He further stated that no 5. is a big one because often times what gets many public officials in trouble is not that there is a direct conflict but that there is the "appearance" of impropriety. The last one, no. (6) involves the use the Board Member's position to retaliate or threaten to retaliate against any person for expressing their views on matters of public concern. There being no further questions, it was recommended that the policy will be moved on to the Board for the first reading.

- **POLICY 3-1.9 Certain acts to be reported; etc.**

Attorney Waller stated that this policy addresses reports by law enforcement to school personnel or school personnel to law enforcement. This policy lists offenses that involve mandatory reporting compared to those where reporting is discretionary. Student incidents that involve drugs, alcohol, serious bodily injury, death, sexual

assault, threats against school personnel, bomb threats, carrying a firearm, or arrest of any student for an incident occurring on a school bus, on school property or at a school activity are mandated to be reported by law enforcement to the superintendent and the building principal. The building may report but is not required to report to law enforcement threats against school personnel committed by a student who has a disability and student infractions involving drugs or alcohol that are considered a misdemeanor. The reason that it's discretionary is that the building principal is allowed to consider the students' performance level, level of understanding, and whether the student is able to appreciate the seriousness of his/her actions. Also, in Virginia we have now decriminalized marijuana. Often time drug offenses involving students will be treated as a misdemeanor. Only if an infraction rises to the level of a felony is there any requirement that a report be made to law enforcement. This policy also addresses the school to prison pipeline because so many students were being reported to law enforcement and then subsequently getting criminal records at such a young age for things that probably were minor in nature. Also, principals are not mandated to report to law enforcement but may report to law enforcement assault and battery that results in bodily injury on a school bus, on school property or at a school-sponsored activity. This allows some discretionary on the part of building principal's when it comes to making a report.

Dr. Gordon commented that there is a huge separation between school law and common law because there was misnomer out there that school administrators were the one bringing charges. Charges are being brought by school resource officers, and they have to take into consideration not only the impact of the altercation if there is one but also the history, if it was premeditated, etc. after they get a chance to complete their investigation. There has to be an investigation because we try to provide due process for the students as well. Investigations are always led by school administration but upon discovery, depending on what that is, is when school resource officers get involved.

Dr. Buck commented that of course with children with disabilities, the whole thing changes.

Dr. Brittingham asked where do the parents rights come into this process if the child that has been assaulted; because even if the school does decide not to go through with charges, the parents have the right to go through that process if they want to?

Dr. Gordon replied, yes but the schools never charges, it all depends on what the officer wants to do. As a part of our Memorandum of Understanding with the Police Department, the main goal of an administrator will have to do is to inform the parents that an investigation is taking place. Parents also have that flexibility to communicate with school resource officer or if a rogue unit comes in. That is totally the parents right. We have to look at where this falls in our Code of Conduct to determine the status of the student and the level of the incident and determine if it's a manifestation of the student's disability.

Dr. Buck noted that it does not ever interfere with the parents right to press charges. Attorney Waller agreed that the parents can always file charges on their own and take out their own petition and pursue it in court.

Mrs. Byrum reasserted that this policy basically specifies what the principal's duties are. Attorney Waller concurred that has to do with what the principal's responsibilities are in regards to reporting incidents that take place on school property or during a school activity — mandatory verses discretionary reporting. Dr. Gordon stated that school incidents are included as part of the DCJS report at the end of the year.

Dr. Brittingham commented that there is one set of standards if it considered a felony and one set of standards if it a misdemeanor. There is no discretion when it is considered a felony and there is some discretion when it is considered a misdemeanor. There being no further questions, it was recommended that the policy will be moved on to the Board for the first reading.

- **POLICY 3-1.10 Annual Report to State Board of Education**

Dr. Brooks-Buck read the changes to this policy. This policy provides the date by which Suffolk Public Schools is to make its report to the State Board of Education. There being no further questions, it was recommended that the policy will be moved on to the Board for the first reading.

- **POLICY 5-2.1 Written school crisis plan; etc.**

Dr. Brooks-Buck read the changes to this policy. Each school is required to conduct an annual school safety audit. The revised policy requires that it be conducted in collaboration with the Chief of Police or his/her designee. The school safety audit report is then made available for review by the Chief of police. The audit must list items identified by the Virginia Center for School and Campus Safety for review and evaluation. There must also be included in the report an existing floor plan for each school. There are a number of criteria that must be included in this audit such as the exterior of the building, the gates, fences, lighting, buildings and grounds generally, surveillance cameras, security alarm systems, landscaping and visibility, signage and entrances, doorways, windows, key controls, locks, and modular classrooms. Then in the area of traffic and parking lot safety, they look at design and use of the parking lot, the bus loading area and other traffic. Then when you get to the interior of the building it looks at exit signs and emergency lights, interior lighting, identification badges, record security, property, inventory, two-way communication systems, entrances to the lobby and hallways, the cafeteria, restrooms, classrooms, what is considered to be high risk classrooms and areas, gymnasium and auditoriums, custodial closets and mechanical rooms. They also look at incident reporting, policy and procedures. It is quite involved in terms of what is required in the school safety audit and school safety inspection checklist.

Mrs. Byrum asked Dr. Gordon if the safety plan has anything to do machinery or scanners of weapons and so forth. Dr. Gordon replied that it is basically an extension of the plan because it is not required, they give us flexibility on what we deem to be necessary based on our own perceptions of concern. Dave LeFevre is our point of contact for everything that is related to our school safety audits and he literally walks each building with law enforcement staff, including the SRO's (school resource officers) but also outside emergency contacts and makes recommendations to the schools based on what they see. Mr. LeFevre reports these things to Dr. Brown who in turn brings them to the cabinet meeting to report. We also have staff that do their own random checks to determine if any doors, windows, etc. have been left open and securing the mobile unit when necessary. These are things that happen throughout the entire year.

Dr. Brittingham asked Dr. Gordon if he keeps a running record of that or a way to verify that has been happening on a week to week or month to month basis? Dr. Gordon replied that he trusts our team to do that. Mr. LeFevre reports to Dr. Brown who provides us a monthly report to the cabinet and chiefs. We also make sure it filtered to Ms. Pichon and Dr. Leigh who follow up with the principals just in case

there might be something that has occurred. There being no further questions, it was recommended that the policy will be moved on to the Board for the first reading.

- **POLICY 5-2.2:3 Threat Assessment Team; etc.**

Attorney Waller informed the committee that this policy insures that the school resource officer is included as a member of the threat assessment team, if a school resource officer is employed at the school.

Dr. Brooks-Buck commented that a threat assessment team is assembled when threat occurs. When a student makes a threat against an employee, the team is assembled and there are actions that we take. We have a process that is followed if a student makes an accusation, we don't decide on our own whether it's credible or not. The SRO is part of that process.

Dr. Gordon commented that we have to do that. It is actually written in their crisis management and threat assessment. It is actually written in their crisis manuals who is involved and the process that goes along with that. It is actually a good thing if your threat assessment goes up, because you can actually begin to see a pattern. Crisis is a little different as in the Col Fred Cherry situation. The principal calls the threat assessment team together to identify the threat and everyone has their duties and responsibilities because time is the key in trying to get it done. That also includes notification to the school community about what's going on. The police are always going to be the first one that is informed because the school resource officer is the one that takes the lead. In the elementary level, the secondary resource officer that is closest to the school takes the lead and he is responsible but they also get assistance from the sheriff's department. There being no further questions, it was recommended that the policy will be moved on to the Board for the first reading.

- **Business by Committee Meetings.**

- No other business concerns addressed.

- **Next meeting to be determined.**

- After much discussion the committee decided that we will have monthly meetings before each board meeting at 4:15 possibly to cover as many policies as we can until time to start the regular meeting of the School Board. We will also look at starting the school board meeting at 5:30, when possible.

- **Meeting was adjourned.**